

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COYNESS L. ENNIX, JR.,

Case No. C-07-02486 WHA (JCS)

Plaintiff(s),

v.

**ORDER GRANTING IN PART AND  
DENYING IN PART MOTION TO  
COMPEL MEDICAL PEER REVIEW  
INFORMATION [Docket No. 121]**

RUSSELL D STANTEN, ET AL.,

Defendant(s).

On December 26, 2007, the parties filed a joint letter [Docket No. 121] regarding various discovery disputes (the "Motion"). The Court held a hearing on January 11, 2008, at 9:30 a.m. Scott Emblidge and Andrew Sweet appeared on behalf of Plaintiff; Matthew P. Vandall appeared on behalf of Defendants. Having heard the arguments of counsel, and for the reasons stated on the record and good cause, IT IS HEREBY ORDERED as follows:

1. Unless otherwise indicated in this order, all information required by this Order shall be produced **no later than January 25, 2008**, and shall be produced on an "Attorney's Eyes Only" basis.
2. Defendants shall produce all minutes of the medical executive committee, its officers and subcommittees, regarding all cases included on Exhibit A.
3. For all cardiac surgeries reviewed by the cardiothoracic surgery review committee and/or the surgery review committee during the years 1992 to the present, Defendants shall produce an Exhibit B, which shall contain all of the categories of information included on Exhibit A.

4. Plaintiff may propound an interrogatory on the subject of whether any cardiac surgeons who have been absolved of errors by a nurse or doctor in the past have, nonetheless, been referred to an ad hoc committee.
5. For the years 2000 to 2005, Defendants shall produce the quarterly Quality Review Reports (“STS by MD”) submitted to the cardiothoracic surgery review committee.
6. With respect to each cardiac surgeon, Defendants shall provide the following information regarding minimally invasive cardiac surgeries performed at Summit (“MIV procedures”):
  - a. For the first approximately 20 MIV procedures performed at Summit by each surgeon, provide comparative surgery times, outcomes and blood usage; and.
  - b. For the approximately 20 MIV procedures performed by each such surgeon at Summit beginning at approximately 1 year after his or her first MIV procedure, provide comparative surgery times, outcomes and blood usage.
7. Produce the final report by National Medical Audit regarding the other physician, as well as any correspondence between Defendants and NMA.
8. Defendants shall immediately notify all cardiac surgeons that have performed cardiac surgeries at Summit that the above-mentioned peer review records will be made available on an “Attorneys’ Eyes Only” basis in this lawsuit, and providing such physicians with the opportunity to raise objections with the Court prior to production on January 25, 2008.
9. Except as expressly contained in this initial Order, the Motion is DENIED.

IT IS SO ORDERED.

Dated: January 15, 2008

  
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JOSEPH C. SPERO  
United States Magistrate Judge